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By-Laws of Somerville - 1848

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(Class of 1851)

BY-LAWS

OF THE

TOWN OF SOMERVILLE.

AS PROPOSED

BY THE SELECTMEN.

PRINTED BY ORDER OF THE TOWN

SOMERVILLE.
PRINTED BY EDMUND TUFTS.
1848.

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BY-LAWS

OF THE TOWN OF SOMERVILLE

PROPOSED BY THE SELECTMEN OF THE TOWN.

ARTICLE I. Buildings — Fences.

Section 1. It is ordered, that any person who shall be guilty of defacing any building, fence, sign or any other property not his own, in this town, by cutting, breaking, daubing, drawing, or writing upon, with paint, chalk, filth, or dirt, or in any other way marring the same, shall forfeit and pay a fine not exceeding twenty dollars for each offence.

Sec. 2. — It is further ordered, that whenever any cellar door or the platform thereof, shall project into any of the streets, lanes, alleys, public squares, or places within the town, it shall be the duty of the owners and occupants of the buildings, or estate to which the same belongs, to keep the same in good repair, and if at any time, such cellar door, or platform shall be out of repair, so that the safety of the passengers is thereby endangered, in the opinion of the surveyor of highways in that part of the town, the said surveyor is authorized to notify the said owner or occupant of the fact, and if said owner or occupant neglect to repair the same within twenty-four hours, the said surveyor may forthwith cause the same to be repaired at the expense of said owner, or occupant, and the said owner shall in case of such neglect, be further liable to a penalty of not more than Twenty dollars for each and every day that said cellar or platform shall continue to be out of repair.

Sec. 3. — It is further ordered, that when any such cellar door, mentioned in the preceding section, shall be opened or the platform removed, it shall be the duty of the owner or

occupant of the estate or cellar to which the same shall belong, to cause a sufficient light to be so placed, that the said opening or removal shall at all times of the night be distinctly visible, and any person offending against the provisions of this section, shall forfeit and pay a fine not exceeding Twenty dollars.

Sec. 4. — It is further ordered, that it shall be lawful for any person to place and fix awnings made of cloth, before his or her house, shop, or store in any street in this town, not to project more than eight feet from the front wall, or side of such house, shop, or store, and supported in such manner as not to interfere with passengers, and so that the lowest part thereof shall never be less than seven feet above the street and sidewalk.

Section 5. It is further ordered, that no person shall have any gate or door so hung, or attached to his house, fence, or building, as when opened to swing over or across any street, or sidewalk, in the town, nor saw or split any firewood, or pile any of the same, or unnecessarily heap any coal upon the foot or sidewalks, under a penalty not exceeding Five dollars for each of the offences mentioned in this section, excepting the first: and the owner or occupant of any building or fence to which such gate or door shall be so hung or attached, shall incur the like penalty for every week during which the said gate or door shall be suffered to remain, after he shall receive notice from the Police officer, or surveyor of highways within whose district the same is situated.

ARTICLE II. — Streets.

Section 1. It is further ordered, that no person shall erect or alter any building or fence abutting on any street or other public place in this town, without first giving notice thereof to the selectmen, under a penalty not exceeding Ten dollars for every such offence.

Sec. 2. It is further ordered, that no person shall break or dig up the ground, in any street, square, or other public place in this town, for any purpose whatever, or set up or place any fence, post, or tree, or edge stone, or pavements, in any street, square, or public place in this town, without a license

from the selectmen, on penalty of forfeiting for every such offence, a sum not exceeding Ten dollars.

Sec. 3. It is further ordered, that neither the purchaser nor seller of any firewood or coal, or the owner of any other article which shall obstruct or endanger passengers, or shall permit it unnecessarily to be and remain in any street, or public place in the town, under a penalty not exceeding Five dollars.

Sec. 4. It is further ordered, that no person shall put or cause to be put, in any of the streets, or public squares, or places in this town, and leave the same to remain there, without license from a surveyor of highways, any ashes, manure, dirt, or rubbish of any kind whatever, under a penalty not exceeding Ten dollars.

Sec. 5. It is further ordered that whenever any person shall intend to erect, repair, or remove any building abutting on any of the streets, or other public places in this town, such person shall make the same known to the street commissioners [selectmen] who shall have authority to set off and allot such part of the street, as shall be thought necessary for the purpose, and whenever any other part of the street than that set off shall be used for the purposes above named, the person so using it shall be liable to remove forthwith all incumbrances thereby made, on notice from street commissioners, [selectmen] under a penalty of not more than Five dollars for each day that such incumbrances remain after such notice.

ARTICLE III. — Disturbances.

Sec. 1. It is further ordered, that no person shall throw snow-balls, or other misiles nor unnecessarily make any alarming or tumultuous noise, nor coast on any sled, nor take hold or ride upon any part of any carriage, without leave, or play foot-ball or other games, in any street, alley, wharf or square in this town, nor shall any person join in any assemblage in the streets or sidewalks to the annoyance of passengers, or by any noise or otherwise disturb the quiet of any person or persons under a penalty of not more than Five dollars for each and every such offence.

Section 2. It is further ordered, that no person shall fire any gun or other piece which shall be loaded with powder and ball or shot, or powder only, in or near to any street, or square, in this town, under a penalty of not more than Five dollars for each offence. Provided, however, that this section shall not extend to any such firing in lawful defence of the person, family or property of any citizen, nor to firing any such piece agreeably to law at any military exercise or review, or when allowed by the selectmen.

Sec. 3. It is further ordered, that no person shall bathe in any of the waters of this town, in a state of nudity, in places which are exposed to public view, or in immediate sight of the occupants of any dwelling-house, under a penalty of not more than Five dollars for each offence.

Sec. 4. It is further ordered, that no person shall ride, drive, or suffer his horse or other beast to go at any immoderate and unreasonable rate, in any lane, street, alley, or public place, in this town, under a penalty not exceeding ten dollars for every such offence.

ARTICLE IV. — Dogs.

Section 1. It is further ordered, that it shall be the duty of the police officers or constable to cause all dogs found going at large within this town, without a collar with the owner's name thereon between the first day of May and the first day of October to be killed.

Sec. 2. It is further ordered, that on complaint being made to the police officers, of any dog within the town, which shall, by barking, howling, biting, or in any other manner disturb the quiet of any of the inhabitants of this town, the police officer, on such complaint, shall give notice to the person keeping or permitting such dog to be kept upon his premises, or the owner thereof, and if such person shall neglect for three days, to cause such dog to be removed, he shall forfeit and pay a sum not exceeding one dollar for every day which shall elapse until such dog be removed, Provided it be proved on trial, that such dog did disturb the quiet of any person.

ARTICLE V. Fires.

Sec. 1. It is further ordered, that no person shall discharge

or set off any squibbs, serpents, rockets, or any other fire-works, or make any bonfire, in any place in the open air, within this town, without leave first obtained of the selectmen, under a penalty not exceeding twenty dollars for each offence.

Sec. 2. It is further ordered, that if any person shall smoke, or have in his possession any lighted pipe, or cigar in any rope-walk or any barn, any fire, lighted pipe or cigar, lighted candle or lamp, except in a secure lantern, he shall forfeit and pay for each offence a sum not exceeding twenty dollars.

Sec. 3. It is further ordered, that any of the selectmen, may at any time, examine any place where combustible matter is kept, or accumulated, or wherever a danger of fire exists from any other source, and order it removed, if in their opinion it be necessary, and the owner or owners of such combustible matter, who shall neglect to remove it forthwith, after having been ordered thereto by the selectmen in writing, shall forfeit and pay Five dollars for each day afterwards that the same shall remain unmoved.

ARTICLE VI. Board of Health.

Sec. 1. Whenever, upon examination it shall appear to the board of health that the number of persons occupying any tenement or building in this town, is so great as to be the cause of nuisance or sickness, and the source of filth, or any inhabited tenements or buildings are unsuitable for dwellings, it shall be in the power of said board of health to remove such persons or occupants or any of them from such tenements or building, if after notice given them in writing requiring them to remove, they shall not do so within a reasonable time.

Sec. 2. No nuisance shall be carried through the town, without the permit from the board of health, and in a manner compatible to such regulations as said board shall from time to time make on the subject, and no persons unless by permission aforesaid shall deposit or cause to be deposited in any street, court, square, or vacant lot, belonging to the town, or in any pond or the waters of the town, any dirt, soot, ashes, cinders, hair, shreds, manure, oysters or lobster's shells, waste-water, rubbish, or filth of any kind, nor any impure animal or vegetable substance whatever, nor any dead animals or any foul or other offensive ballast, nor shall any person land any such foul and offensive ballast, and impure and animal or vegetable substance within the town; and whenever any offensive matter which shall be the cause of nuisance or sickness, shall be found accumulated in any house, yard, or other place, and the board of health shall deem it necessary to remove it, notice shall be given in writing to the owner or occupant of such place, forthwith to remove the same, and if this is not done in a reasonable time, the board aforesaid will remove the same at the expense of the owner or occupant.

Sec. 3. All animals kept within the town, shall be so kept as not to be offensive to the inhabitants, and when such notice is

given by the board of health to the keepers of animals that the same are offensive and a source of nuisance, the same must be removed within twenty-four hours after said notice, or it will then be done by said board at the expense of the owners of said animals.

Sect. 4. Whenever infections and contagious sickness exist in any part of the town, it shall be the duty of the heads of the family and the attendant physician, where said infection is to communicate notice thereof to the board of health, to the end that such action may be taken as will prevent the spread of said disease.

Sec. 5. It shall be the duty of each funeral undertaker to report, on the first of each month, to the board of health, in writing, the number of interments by him made, the burial ground in which made, the name, age, last disease, and place of residence of the deceased.

ARTICLE VII. Police Officer.

Section 1. It is further ordered, that it shall be the duty of the police officer to notice all offences against the by-laws of the town, and the statutes of the Commonwealth, and to cause prosecutions to be forthwith commenced against the offenders, and it is particularly enjoined upon him to complain of all idle and disorderly boys who misspend their time, and do not attend school, but who are in the streets without employment, during school hours, also all boys who congregate together in the streets and by noise, or otherwise, disturb the peace, also all boys and young men, who assemble together in the streets on Sundays, to the annoyance of peaceable citizens, and it is also made his duty, from time to time, to pass through the streets, alleys, courts, and public passages of the town, to notice all offences against the laws, taking the names of the offenders, to the end that the same may be prosecuted.

ARTICLE VIII. Fines.

Section 1. It is further ordered, that all fines imposed for a breach of any of the By-Laws of this town, shall be paid over to the Town Treasurer for the use of the town.

ARTICLE IX. Approved Bills.

Section 1. All bills contracted against the town shall be approved by their respective Boards and a warrant shall be drawn by them respectively on the Treasurer for payment.

JOHN S. EDGERLY,
THOMAS J. LELAND,
ABRAM WELCH.
GARDNER T. RING,
CHARLES MILLER,
} Selectmen of Somerville.

SOMERVILLE, June 14th, 1848.

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